

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/025,794

Applicant: Jeff S. Eder

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Examiner: Richard Weisberger

Art Unit: 3693

Docket No.: AR - 28

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DECLARATION UNDER RULE 132

I, Rick Rauenzahn, do hereby declare and say:

My home address is 529 Calle don Leandro, Espanola, New Mexico. I have a B.S. degree in chemical engineering from Lehigh University, an S.M. degree in chemical engineering from The Massachusetts Institute of Technology and a Ph.D. in chemical engineering from The Massachusetts Institute of Technology. I have worked in the mathematical modeling field for 26 years concentrating in the disciplines of fluid mechanics, turbulence modeling, numerical methods for partial differential equations, radiation hydrodynamics, and strength of materials. I also have extensive knowledge of computer system administration, particularly for Windows-based, Linux, and UNIX systems. I have been employed by Los Alamos National Laboratory and Molten Metal Technologies for the past 25 years.

I further declare that I do not have any direct affiliation with the application owner, Asset Reliance, Inc. or with its licensee Kantrak, Inc. As described in prior declarations I have met the inventor who is the President of Kantrak.

On July 24, 2009 I was given a copy of U.S. Patent Application 10/025,794 and U.S. Patent Application 09/994,720 which is incorporated by reference in application 10/025,794. Until that time I had not read these applications although I have read other applications that are similar including application 09/761,670, application 09/688,983, application 10/287,586 and application 10/821,504. I am totally familiar with the language of the claims and conversant with the scope thereof. I completely understand the invention as claimed.

Based on my experience and training in the field of mathematical modeling and electronic data processing, I have concluded that it would be straightforward for someone of average skill in the art to duplicate the process optimization system using the information in U.S. Patent Application 10/025,794 together with the patent applications and patents it cross-references. Specifically, U.S. Patent Application 10/025,794 together with the patent applications it cross-references fully describes:

- 1) means for storing and processing a computational model, specification and data;
Explanation:

The computer system (100) that stores and processes a computational model, specification and data is described in FIG. 3, reference numbers 100, 110 – 118, 120 – 128 and 130 – 138 and line 6, page 11 through line 5, page 13 of the specification.

- 2) means for optionally identifying an impact of each feature on one or more expected process outputs;

Explanation: The process management database (30) normally identifies features used to achieve the different performance levels. As described in the specification, simulation programs such as MatLab, Simulink, SPICE, etc. can optionally be used to generate performance data for forecast changes in process operation by calculating overall external factor consumption for the process and/or by forecasting process performance using a new set of resources and/or features.

- 3) means for mapping the expected process outputs to a computational model of organization financial performance;

Explanation: The software in block 207 prompts the user (20) via the process to matrix mapping window (904) to define the relationship between process outputs and the matrices of value and risk for the owner. This mapping will identify the categories,

components and/or element of value and/or the external factors that are affected by the process outputs. This option is used if the process management system database (30) information did not contain xml or xsd information that identified the cells that were impacted by the process outputs. Thus, the mapping information is potentially obtained from two sources: from the organization financial model and possibly from the process management system (if xml/xsd tags are available in the database information).

- 4) means for creating a financial simulation model for the organization using said mappings, model and data.

Explanation:

The Analysis section of 10/025,794 describes the development of the model used for optimization analysis.

- 5) means for using the financial simulation model to identify an optimal mix of process features that achieves financial goals selected from the group consisting of maximize organization value, minimize organization risk and combinations thereof,

Explanation:

The Analysis section of 10/025,794 describes the use of the model created as described under item 4 to optimize value, risk and combinations thereof using multi criteria optimization.

- 6) means for specifying the combination of elements of value in the organization

Explanation:

As defined in 09/994,720 the user identifies the elements of value in the organization. The specification further describes each element of value is defined by the information management system that tracks the element of value as shown below

(Soft) Asset Management Systems	Element of value
alliance management systems,	Alliances
brand management systems	Brands
capital asset system	Equipment
channel management systems	Channels
customer relationship management systems,	Customers
human resource management systems and workforce management systems	Employees
IT management systems	Information Technology
intellectual property management systems,	Intellectual Property
investor management systems	Investors
knowledge management systems	Knowledge
partner relationship management systems	Partnerships
process management systems	Processes
quality management systems	Quality
supply chain management system	Supply Chain
vendor management systems	Vendors
visitor relationship management systems	Visitors

In my opinion, it would be straightforward to apply these teachings to the analysis of a plurality of processes.

The specification does not describe identifying a contribution to an organization value and an organization risk for each of one or more elements of value, external factors and/or risks for transactional data. As described in the specification, transaction data are used to identify the expected conditions for simulations. As is well known in the art, using data for simulations does not change the output of the model being simulated. As described in the specification, model outputs are used to identify contributions. However, the only means of determining the contributions of transaction data to the model result is to change what is being modeled, thereby altering the output. Nothing in the specification suggests that the contributions of these data can be accessed in this manner.

In a similar manner, the specification does not describe identifying a contribution to an organization value and an organization risk for each of one or more elements of value, external factors and/or risks for project feature data. As described in the specification, different process features produce different process outputs. As is well known in the art, the use process feature data to identify the expected process outputs in a simulation does not change the output of the model being simulated. As described in

the specification, model outputs are used to identify contributions. However, the only means of determining the contributions of process feature data to the model result is to change what is being modeled, thereby altering the output. Nothing in the specification suggests that the contributions of these process feature data can be accessed in this manner.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Signed,

Rick M. Rauenzahn

A handwritten signature in black ink, appearing to read "Rick M. Rauenzahn".

Date: August 24, 2009